

REMARKS

This application contains claims 1-16, the status of which is as follows:

- (a) Claims 2-10 and 12-15 are as originally filed.
- (b) Claims 1, 11, and 16 have been currently amended.

No new matter has been added. Reconsideration is respectfully requested.

The Applicant thanks Examiner Hoekstra for the courtesy of a personal interview with the Applicant's representative, Sanford T. Colb (Reg. No. 26,856), held in the USPTO on January 16, 2007 (the Applicant notes that the Interview Summary incorrectly indicates the date of the interview). At the interview, Mr. Colb and the Examiner discussed the rejection of claims 1 and 11 over US Patent 3,895,637 to Choy. Mr. Colb suggested amending these claims to recite that the gastrointestinal tool has diagnostic and/or therapeutic functionality, and slides over the guidewire. The Examiner agreed that the addition of these features appears to distinguish these claims over the prior art of record.

*Claim rejections under 35 U.S.C. 102*

Claims 1-7 and 11-16 were rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 3,895,637 to Choy. Among other arguments, the Examiner argued that the gastrointestinal tool of independent claims 1, 11, and 16 reads on inflatable anchor member 18 of Choy. While not agreeing with these rejections, the Applicant has amended independent claims 1, 11, and 16 to additionally recite that the gastrointestinal tool has diagnostic and/or therapeutic functionality. The Applicant has also amended claim 1 to recite that the gastrointestinal tool slides over the guidewire, as already recited in claims 11 and 16. The Applicant respectfully submits that the inflatable anchor member of Choy is not a diagnostic or therapeutic tool, as now recited in claims 1, 11, and 16. As mentioned above, during the interview the Examiner agreed that these amendments appear to distinguish claims 1 and 11 over Choy. Claim 16 recites similar features to those of claim 11, including those discussed above that distinguish over Choy. The Applicant thus suggests that claims 1, 11, and 16, as amended, are in a condition for allowance. In view of the patentability of independent claims 1 and 11,

the Applicant respectfully submits that claims 2-10 and 12-15, which depend from claim 1 or claim 11, are also allowable, because they are of narrower scope.

The amendments to claims 1, 11, and 16 are supported throughout the specification as filed, including by the following: "Current state of the art endoscopes are very capable devices, and endoscopy has been very successful in *diagnostic and therapeutic applications* with the use of current endoscopes and the current arsenal of *tools* that can be inserted through the working channel of the endoscope, or can be attached to the outside of the endoscope" (paragraph [0005], emphasis added).

***Claim rejections under 35 U.S.C. 103***

Claims 8-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Choy in view of US Patent 5,353,807 to DeMarco. As mentioned above, in view of the allowability of claim 1, from which claims 8-10 depend, these claims are also allowable because they are of narrower scope than claim 1.

The Applicant believes the amendments and remarks presented hereinabove to be fully responsive to all of the grounds of rejection raised by the Examiner. In view of these amendments and remarks, the Applicant respectfully submits that all of the claims in the present application are now in order for allowance. Notice to this effect is respectfully requested.

Respectfully submitted,

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